

REMARKS

This application has been reviewed in light of the Office Action dated October 21, 2003. Claims 1-11 are currently pending in the application.

Claims 1-11 are pending. Claims 1, 2, and 4-11 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,021,325 ("*Hall*") in view of U.S. Patent No. 6,332,175 ("*Birrell*") and U.S. Patent No. 6,167,116 ("*Freadman*"), and Claim 3 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hall* in view of *Birrell*, *Freadman*, and U.S. Patent No. 6,470,051 ("*Campisano*").

As indicated above, the Examiner has rejected independent Claims 1 and 4 rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hall* in view of *Birrell* and *Freadman*. More specifically, the Examiner asserts that *Hall* teaches all the recitations of Claims 1 and 4, except for enabling digital audio to be downloaded from a personal computer to a mobile telephone and fast forwarding and rewinding the sound produced in the telephone, which the Examiner asserts is taught in *Birrell*, or using an RS-232 connector, which the Examiner asserts is taught in *Freadman*. It is respectfully submitted that the Examiner is incorrect, and it is respectfully submitted that there would be no motivation for one skilled in the art to combine *Hall* and *Birrell* to produce the present invention as recited in Claims 1 and 4.

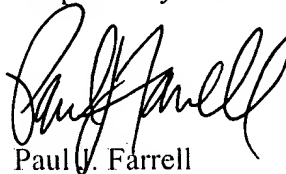
Claims 1 and 4 of the present application recite an apparatus and method for downloading and storing digital audio, such as an MP3 file, from a personal computer into a memory of mobile telephone. Accordingly, the mobile telephone of the present invention also has the capabilities to play these audio files. As indicated above, the Examiner asserts that these features are unpatentable over the combination of *Hall* in view of *Birrell*. However, *Hall* is directed to mobile telephone

capable of recording memos and messages from a telephone call into a memory of the mobile telephone rather than the user having to write these items on a piece of paper. *Birrell* is directed to a portable MP3 player, which can download music files from a personal computer. Because the audio data being stored and played in *Hall* is recorded live voice data, there would be no motivation to one skilled in the art to download this type of audio file from a personal computer. As such, even though *Birrell* teaches downloading audio data from a personal computer into a portable MP3 player, it is respectfully submitted that there is no motivation to combine these two references, and it is respectfully requested that the rejection of Claims 1 and 4 be withdrawn.

As Claims 1 and 4 are believed to be in condition for allowance, then, at least because of their dependence on Claims 1 and 4, respectively, it is respectfully submitted that dependent Claims 2-3 and 5-11 are also in condition for allowance.

It is respectfully submitted that all pending claims, specifically, Claims 1-11, are in condition for allowance. If the Examiner has any questions regarding this communication or feels that an interview would be helpful in prosecuting this application, the Examiner is requested to contact the undersigned.

Respectfully submitted,



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